STANDARDS OF CONDUCT
OVERVIEW OF RESPONSIBILITIES

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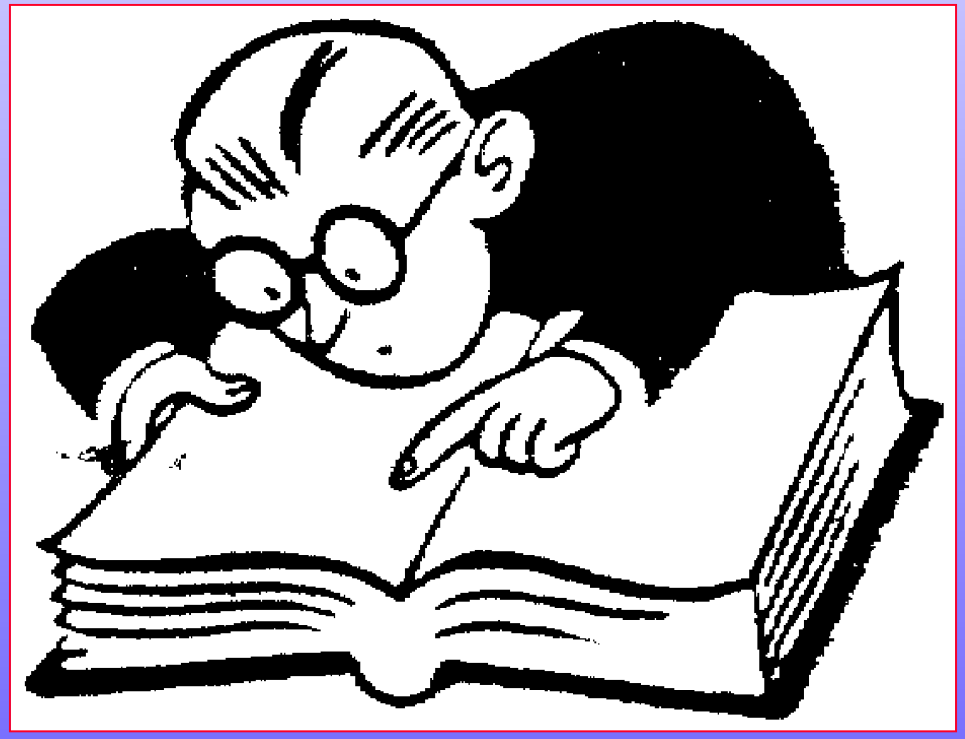
INTRODUCTION
Standards of Conduct

- EC Fundamentals
- Conflicts of Interest
- DoD Travel/Transportation
- Outside/Political Activities
- Non-Federal Entities/Fundraising
- Financial Disclosure
- Post Govt Employment
- Program Reviews/Audits
- Running Effective Ethics Programs
- Fiscal Aspects -Ethics
- Use of Govt Resources
- Contractors in the Workplace
- MWR Issues
- BRAC
- ORFs
- RC Personnel Issues
- Investigations
- Agency Break-Out Sessions

Legal Basis for Standards of Conduct



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Legal Basis

- Statutory - Ethics in Government Act (1978)
- Executive Order - E.O. 12674 (1989)
- Regulatory
  - OGE Standards of Conduct for the Executive Branch (5 C.F.R. 2635)
  - DoD Directive 5500.7 Standards of Conduct
  - DoD 5500.7-R Joint Ethics Regulation

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EO 12674: Principles of Ethical Conduct for Governmental Officers and Employees (12 April 1989)

- **14 Basic Obligations of Public Service**

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14 PRINCIPLES OF ETHICAL CONDUCT

1. **Public service = Public trust**
2. No financial interests conflicting w/duty perf.
3. No improper use-nonpublic information
4. No gifts from prohibited sources
5. Honest effort in performance of duties
6. No knowing unauthorized commitments
7. No using public office for private gain

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14 PRINCIPLES OF ETHICAL CONDUCT

8. Be impartial/No pref. treatment to POs/indivs.
9. Protect/Conserve fed prop; auth. purposes only
10. No outside employment that conflicts w/duties
11. Duty-disclose fraud, waste, abuse, corruption
12. Satisfy financial obligations in good faith
13. Uphold EO laws/regulations
14. Avoid appearances of unethical conduct

14 Basic Principles

Of Ethical Conduct

THE AUTHOR:

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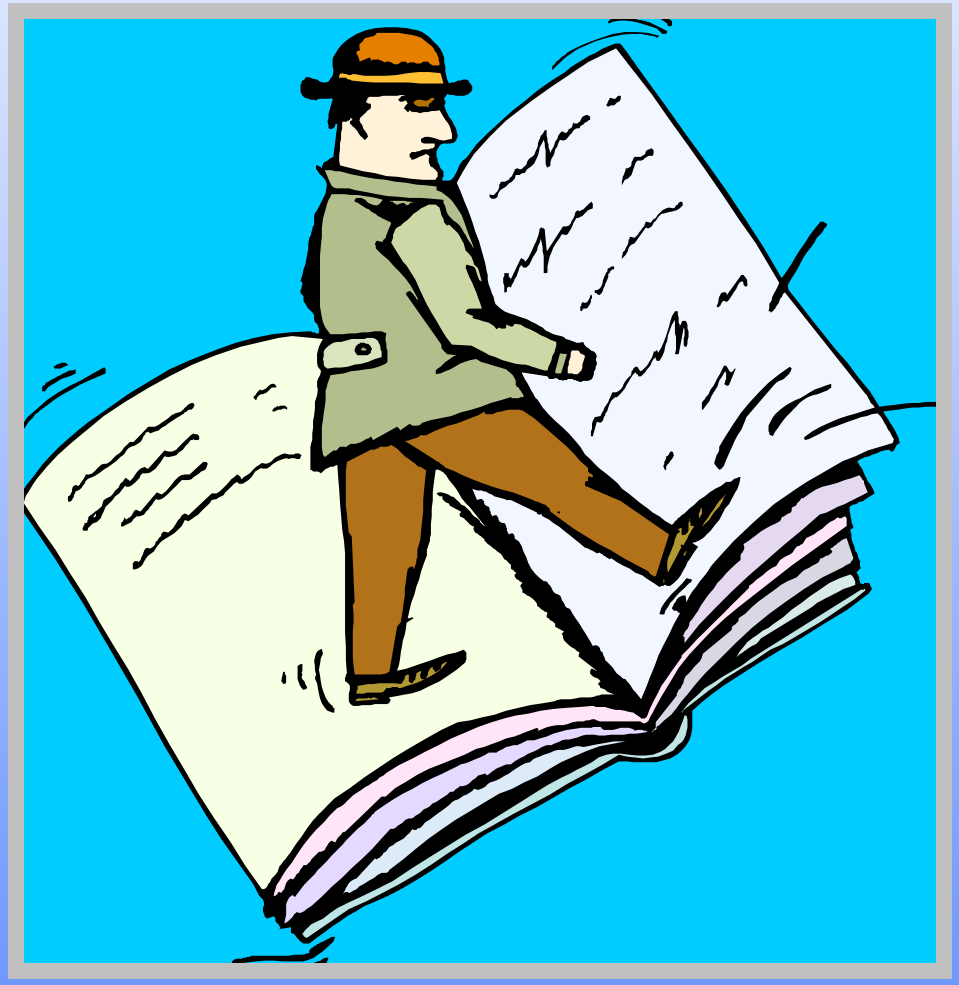
A Walk thru the JER



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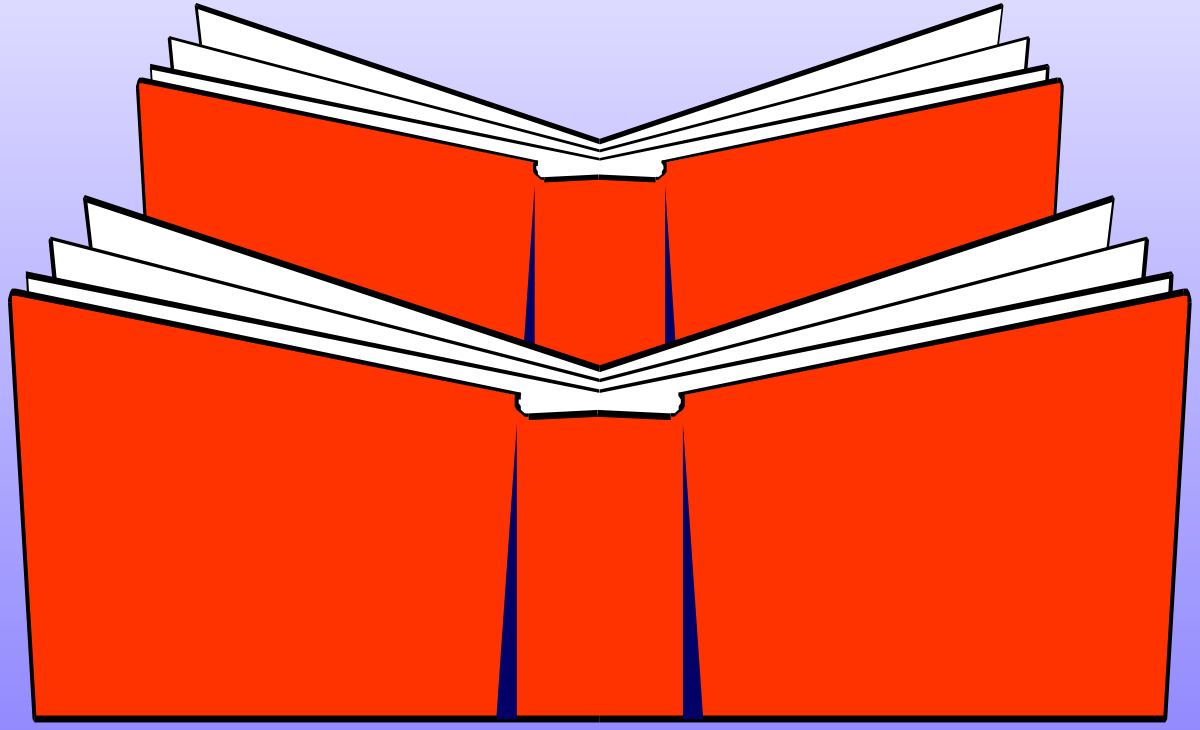
The JER is a regulation which



republishes another regulation.

OGE Rules

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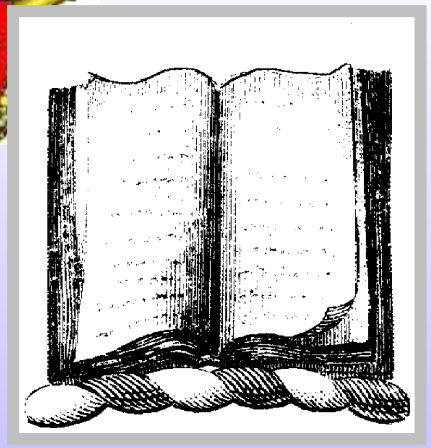
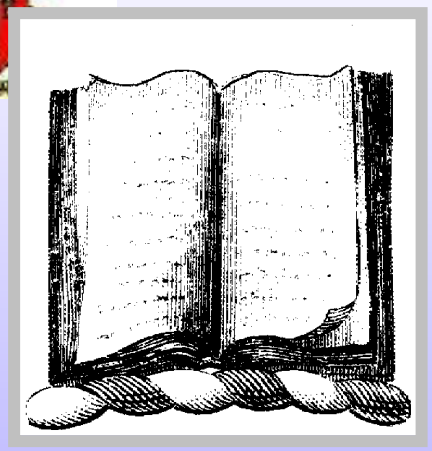


Victory thru Justice!

The JER Contents . . .

- **Republishes the applicable C.F.R. parts**
- **Supplements the OGE Rules**
- **All DOD/Service Directives in conflict w/JER are cancelled**



The JER Contents . . .

- **Provides:**
  - **DoD guidance (12 Chapters)**
  - **Procedures & responsibilities**
  - **References**

JER

- **Applies to ALL DoD employees**
- **For Army, replaced AR 600-50**
- **Bold and Italics equal a lawful order (UCMJ Article 92)**
- **Maintain up to date version (Use OGE/DOD SOCO website)**

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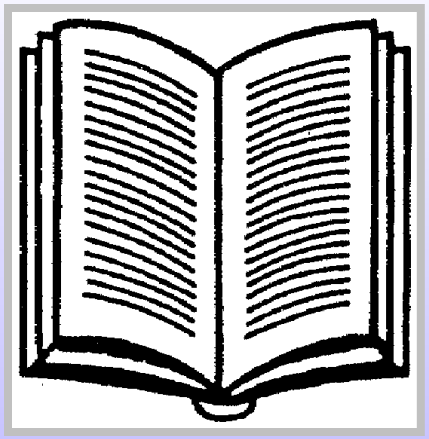

Key JER Definitions

- **DoD Employee**
- **Designated Agency Ethics Official (DAEO)**
- **Ethics Counselor**
- **Agency Designee**

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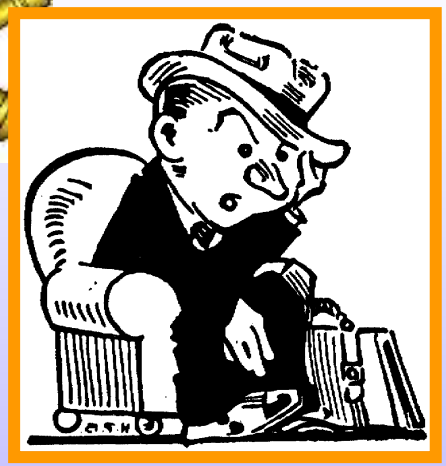

DoD Employee
JER 1-211

- **Civilian**
- **Active Duty Military Officer**
- **Active Duty Enlisted Member**
- **Reserve Component (“Action Analysis”)**
- **Other**

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Designated Agency Ethics Official (DAEO) JER 1-209

- **Appointed in writing by head of DoD agency**
- **Administers the provisions of the JER**

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Ethics Counselor
JER 1-214

- **An attorney; but no Attny-Client privilege (Schaltenbrand)**
- **Appointed in writing**
- **Command advisor on ethics program**

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Ethics Counselor
Sample Duties

- **Use of Government Resources**
- **Gifts and Travel Gifts**
- **DOD Travel and Transportation**
- **Non-Federal Entities, Fundraising**

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Ethics Counselor
Sample Duties

- Ethics training
- Review of public (SF 278) and confidential (OGE 450) financial disclosure reports
- Resolving conflicts of financial interest
- Explaining post-Govt employment restrictions

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The "Ethics Magistrate"
5 CFR 2635.107

- Authority for EC to make factual determinations/render decisions falling under the OGE rules: Protects commanders.
- **Other EC Duties**: Always be thinking about independent authority (Supplemental Agency Regulations-
  5 CFR 2635.105(C)(3), i.e. SA Travel Policy)

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Agency Designee
JER 1-202

- First Supervisor:
  - Commissioned officer
  - Above GS/GM-11
- Makes determinations:
  - Approves outside acts
  - Receives reports of violations
  - Decides annually who files OGE 450
  - Use of Government Resources

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Ethics Counselor Appointment

- Services Determine
- SA: GC = DAEO
- GC appoints Deputy GC (Ethics/Fiscal)-Alternate DAEO
- DAEO Appoints Deputy DAEOs (TJAG)
- Deputy DAEOs appoint Senior ECs
- Senior ECs appoint ECs

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Ethics Counselor Responsibilities

- **Implement Commander's Program**
- **Specific Authority under Statute and JER**
- **Ethics Opinions**
- **Coordinate with other Ethics Officials**

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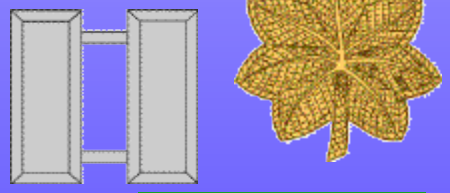
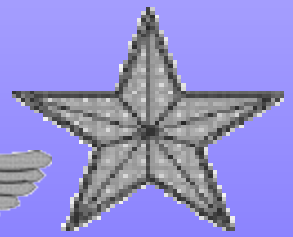
Command Responsibilities

Commanders:

- Personally responsible for program
- Must exercise personal leadership in maintaining the program
- Provide sufficient resources for the program





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Command Responsibilities: Personnel / Admin Officers

Identify & inform new employees who are required to receive ethics training

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Command Responsibilities: IG

- **Investigates ethics matters**
- **Reports violations**
- **Service HQ IGs, Special Responsibility**

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